

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, <u>ex rel.</u> VEN-A-)
CARE OF THE FLORIDA KEYS, INC., by and)
through its principal officers and directors,) Civil Action
ZACHARY T. BENTLEY and T. MARK JONES,) No. 05-11084-MEL
) (Consolidated with certain
Plaintiff,) claims severed from No. 00-
v.) 10698-MEL)
)
DEY, INC.; EM PHARMA, INC.; EMD) FILED IN CAMERA AND
PHARMACEUTICALS, INC.; LIPHA, S.A.;) UNDER SEAL
MERCK-LIPHA, S.A.; and MERCK KGaA,)
)
Defendants.)

ORDER

The United States having intervened with respect to certain claims and declined to intervene as to certain other claims in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the Court rules as follows:

IT IS ORDERED that,

1. the Redacted Third Amended Complaint in Civil Action No. 00-10698, showing claims against defendants, and a copy of the relator's filed complaint in the instant action, be unsealed and served upon the defendants by the relator within the time limit set by Fed. R. Civ. P. 4;
2. the United States' Complaint be unsealed and served upon defendants by the United States within the time limit set by Fed. R. Civ. P. 4;

3. all other previously filed contents of the Court's file in this action remain under seal and not be made public or served upon the defendants, except for this Order and the Government's Notice of Election to Intervene, which will be served upon the defendants by the United States at the same time as service of the United States' Complaint;

4. the seal be lifted on all other matters occurring in this action relating to defendants after the date of this Order;

5. as to the part of the action in which the United States has declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action, for good cause, at any time;

6. all orders of this Court shall be sent to the United States; and that

7. should the relator or the defendants propose that the part of the action in which the United States has declined to intervene be dismissed, settled, or otherwise

discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This 9 day of Sept, 2006.

A handwritten signature in black ink, appearing to read "Morris E. Lasker", written over a horizontal line.

MORRIS E. LASKER
United States District Judge